

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

ZURICH AMERICAN INS. CO.,	)	
	)	
Plaintiff and Counterclaim	)	
Defendant	)	
	)	
v.	)	Docket No. 2:17-cv-165-NT
	)	
ELECTRICITY MAINE LLC, et al.,	)	
	)	
Defendant and Counterclaimant.	)	

**ORDER**

The parties have agreed that they have satisfied the general requirements of Rule 26(f) and that no discovery is needed. The parties request that the case be moved to the “administrative track,” with no discovery permitted without leave of court. I **GRANT** the request and ask that the Clerk of Court place this case on the Administrative track.

The parties anticipate filing summary judgment motions, a stipulated statement of material facts and a stipulated record. The parties have jointly proposed, and I **APPROVE** and **ORDER**, the following schedule for briefing any motions for summary judgment:

Deadline for filing motions for summary judgment—December 8, 2017;

Deadline for responses to summary judgment motions—January 5, 2018;

Deadline for replies to summary judgment motions—January 15, 2018.

**Estimated Memorandum Length:** The motions for summary judgment shall not exceed 20 pages.

**Estimated Factual Statement Length:** The parties estimate the statement of fact consist of 10 statements of fact.

**Estimated Record:** The Defendant anticipates that the record will be approximately 175 pages.

The parties anticipate stipulation of all the facts and the record documents. In the event that the parties are unable to stipulate to all the facts, I **ORDER** as follows:

1. **Filing of the Record:** The parties shall confer to determine the summary judgment record. The record shall consist of the universe of documents that any party may cite to in their motions or statements of fact. The record shall be filed on ECF in advance of the filing of any motion, response or statement of fact and the parties shall make the appropriate citations to the record (see paragraph 2 outlining citations to the record). The ECF event “Local Rule 56(h) Record” can be found in the “other documents” category of the “civil events” listing on ECF.

If during the motion practice any party determines that they need to supplement the record, they may file a supplemental record, but shall not duplicate any record material already on the docket. Any supplemental record shall be filed on ECF in advance of the filing of any pleading so that the appropriate citations to the record can be made.

2. **Citations to the Record:** Filing the record in ECF in advance of the filing of any pleadings will generate ECF document numbers and page ID numbers. When citing documents from the record in statement of material facts, counsel should contain citations to the record with the appropriate ECF document and page ID numbers.

Example: (Smith Affidavit, ¶1; Doc. 52-28, #566)

3. **Cooperation of Counsel on Factual Statement:** By the conclusion of the briefing, it is the court’s preference to have one document that contains the full text of all the facts, admissions, denials, qualifications, and requests to strike produced by all parties. The court expects the parties to work collaboratively in this endeavor.
  1. All admissions, denials, qualifications, and requests to strike shall appear under the text of the proposed fact to which they refer.
  2. A request to strike shall be preceded by an admission, denial, or qualification, in case the request to strike is denied.

3. All responses to requests to strike shall appear under the text of the request to strike to which they refer.
4. The parties' various statements of material facts should utilize a single, continuous sequence of paragraph numbers.
5. In accordance with Local Rule 56(d), the Defendant's reply statement of material fact should address only the Plaintiff's additional facts and requests to strike.

The following sequence should take place when compiling the factual statements:

- First, the Defendant shall file a "Defendant's Supporting Statement of Material Facts," pursuant to Local Rule 56(b). This includes a numbered list of facts the Defendant contends are supported by the record and undisputed.
  - ◆ The PDF version should be filed on ECF using the "Statement of Fact" event, which can be found in the "other documents" category of the "civil events" listing on ECF.
  - ◆ The Defendant shall email the Plaintiff a Word version of this PDF document.
- Second, the Plaintiff shall file a "Plaintiff's Opposing Statement of Material Facts," pursuant to Local Rules 56(c) and Local Rule 56(e). This document shall reproduce the text of the facts proposed by the Defendant. The Plaintiff shall add appropriate admissions, denials, and qualifications, and, if necessary, requests to strike under each fact. Second, the Plaintiff may add a list of additional facts that the Plaintiff contends are supported by the record, keeping with the same paragraph sequence numbering (i.e. if the Defendant's Statement of Material Fact ended at paragraph number 50, the Plaintiff shall start with paragraph number 51 for their Statement of Additional Facts).
  - ◆ The PDF version should be filed on ECF using the "Response to Statement of Fact with Additional Facts" event, which can be found in the "responses and replies" category of the "civil events" listing on ECF.
  - ◆ The Plaintiff shall email the Defendant a Word version of this PDF document.

- Third, the Defendant shall file a “Defendant’s Reply Statement of Material Facts,” pursuant to Local Rules 56(d) and 56(e). This document shall reproduce the text of the facts proposed by the Defendant and the Plaintiff’s corresponding admissions, denials, qualifications, and requests to strike, as well as the text of the Plaintiff’s additional facts. The Defendant must add appropriate admissions, denials, qualifications, and, if necessary, requests to strike under each of the Plaintiff’s additional facts. In addition, the Defendant may respond to any of the Plaintiff’s requests to strike.
  - ◆ The PDF version should be filed on ECF using the “Reply to Additional Statement of Fact” event, which can be found in the “responses and replies” category of the “civil events” listing on ECF.
  - ◆ The Defendant shall email the Plaintiff a Word version of this PDF document.
- Fourth, the Plaintiff may file a “Plaintiff’s Response to Defendant’s Requests to Strike,” pursuant to Local Rule 56(e). This document shall reproduce the text of the Defendant’s facts, the Plaintiff’s additional facts, all admissions, denials, and qualifications, all requests to strike, and the Defendants’ responses to Plaintiff’s requests to strike. The Plaintiff may add only appropriate responses under each of the Defendant’s request to strike. This document should be a complete account of the parties’ factual statements.
  - ◆ The PDF version should be filed on ECF using the “Response to Request to Strike Per LR 56(e)” event, which can be found in the “responses and replies” category of the “civil events” listing on ECF.
  - ◆ This fourth step only takes places in the event the Defendant has made requests to strike the Plaintiff’s Additional Facts. If no requests to strike the Plaintiff’s Additional Facts is made, the briefing is complete at the third step.

**CONCLUSION**

Subject to the above conditions, I **GRANT** the Joint Motion to Amend Scheduling Order.

SO ORDERED.

/s/ Nancy Torresen  
United States Chief District Judge

Dated this 21st day of November, 2017.